IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.30 OF 2007
along with
Civil Application No.35 of 2007

Pandurang Sakharam Patil, .. Appellant.
(Orig.Deft)

Vs

Raghunath Dada Patil and ors. .. Respondents.
(Orig.Plffs.)

Mr. P.D.Dalvi, for the appellant.
Mr F.A.Mulla,for Mr S.M.Kamble for respondent nos.1 to 4.

CORAM : **D.B.BHOSALE,J.**
DATE : 27/02/2007

PC:

1. Heard the learned counsel for the parties.

2. The concurrents judgments of the courts below, decreeing the suit filed by the respondents-plaintiffs for injunction simplicitor restraining the appellant from fetching water from the well in dispute, are under challenge in the instant appeal. The only contention advanced by Mr Dalvi, learned counsel for the appellant, is that the suit for injunction simplicitor without there being a prayer for declaration is not maintainable. This submission is devoid of any merits. In the parallel proceedings, that is, Regular Civil Suit No.675 of 2002 the plaintiffs herein have already been

declared as owner of the suit well. I perused both the judgments and having regard to the observations made therein I find no reasons to interfere with the concurrent findings recorded by the courts below. I find sufficient material on record to sustain the findings recorded by the courts below. In the circumstances, this second appeal deserves to be dismissed. Order accordingly. As a consequence thereof, the civil application for stay stands rejected.

(D.B.BHOSALE,J.)